

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:

John Russell Lear aka Rusty Lear,  
asf Legacy Remodeling & Exteriors,  
LLC, asf Lear Holdings, LLC,

Debtor.

BKY. No. 18-40150 (MER)

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David Boily and Dayna Boily,

Plaintiffs,

ADV No. 18-04062

-v.-

John Russell Lear aka Rusty Lear,  
asf Legacy Remodeling & Exteriors,  
LLC, asf Lear Holdings, LLC,

Defendant.

ORDER GRANTING IN PART  
AND DENYING IN PART MOTION  
FOR SUMMARY JUDGMENT

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At Minneapolis, Minnesota, August 8, 2018.

This adversary proceeding came on for hearing before the Court on the defendant's motion for summary judgment and the plaintiffs' opposition thereto. Appearances were noted on the record. Based on the motion, the responses, and on all of the files, records, and proceedings herein, pursuant to FED. R. BANKR. P. 7056, following the close of argument, the Court orally stated and recorded in open court its decision. Accordingly,

IT IS HEREBY ORDERED THAT:

1. The defendant's motion is DENIED IN PART as to Count I of the plaintiffs' complaint.
2. The defendant's motion is GRANTED IN PART as to Count II of the plaintiffs' complaint.
3. In accordance with FED. R. BANKR. P. 7054(a), partial judgment will not be entered at this time.

*/e/ Michael E. Ridgway*

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Michael E. Ridgway  
United States Bankruptcy Judge